

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Dustin L. Emmick, Scott A. Roberts and
Lisa J. Roberts, Huong Kim Nguyen,
Lawrence Johnson and Melodi Johnson,
Chad M. Hanson and Rebecca Hanson,
Ryan Hanson, Logan W. Rice, Nancy B.
Court and Brian E. Court, Chip A. Rice and
Linda S. Rice, Bill Bigelow, Rebecca
Yarnes and Gerald Yarnes, and Marjorie E.
Visker,

Plaintiffs,

v.

Bank of America, N.A., BAC Home Loans
Servicing, LP, Bank of New York Mellon,
Mortgage Electronic Registration Systems,
Inc., U.S. Bank, National Association, and
Peterson, Fram and Bergman, P.A.,

Defendants.

Civil No. 11-01307 (DSD/FLN)

**DEFENDANTS BANK OF AMERICA,
N.A., BAC HOME LOANS
SERVICING, LP, THE BANK OF
NEW YORK MELLON, U.S. BANK,
N.A., AND MORTGAGE
ELECTRONIC REGISTRATION
SYSTEMS, INC.’S MOTION TO
DISMISS THE COMPLAINT**

TO: Plaintiffs and their counsel, William B. Butler, Butler Liberty Law, LLC, 4100
Multifoods Tower, 33 South Sixth Street, Minneapolis, Minnesota 55402

Defendants Bank of America, N.A. (“BANA”), BAC Home Loans Servicing, LP
 (“BACHLS”), The Bank of New York Mellon f/k/a The Bank of New York (“BNYM”),
U.S. Bank, N.A. (“U.S. Bank”), and Mortgage Electronic Registration Systems, Inc.
(collectively “Defendants”), hereby move to dismiss all of plaintiffs’ claims. This motion
is made pursuant to Fed. R. Civ. P. 12(b)(6) on the grounds that the complaint fails to
state a claim upon which relief can be granted against the Defendants and some or all of
the Plaintiffs lack standing to sue. This motion is supported by all files, records, and

proceedings herein, including the Defendants' papers to be filed in accordance with L.R.
7.1(b).

Dated: May 26, 2011

BRIGGS AND MORGAN, P.A.

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**Attorneys for Defendants Bank of
America, N.A., BAC Home Loans
Servicing, LP, Bank of New York
Mellon, and U.S. Bank, N.A.**

Dated: May 26, 2011

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**Attorneys for Defendant Mortgage
Electronic Registrations Systems, Inc.**